Claims 7-13 are currently pending. The specification is amended. Claims 8, 11, and 12 are also amended. No new matter is presented. In view of the above amendments and the following remarks, Applicants request the favorable consideration and allowance of claims 7-13.

The specification is objected to for containing a informality. Applicants have amended the specification to overcome the cited objection. As a result, Applicants request the withdrawal of the objection to the specification.

The drawings are objected to failing to include the reference numerals 7 and 8. The specification is amended to delete the reference numerals 7 and 8. No new matter is presented. In view of the amendments to specification, Applicants request the withdrawal of the objection to the drawings.

Claim 12 is objected to being unclear. Claim 12 is amended to more clearly recite the features of the claimed invention. No new matter is presented. Therefore, Applicants request the withdrawal of the objection to claim 12.

Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden et al. (U.S. Patent No. 6,766,041) and in view of Marshall et al. (U.S. Patent No. 6,453,05). The Examiner takes the position that the combination of Golden and Marshall teach or suggest all the features recited in claims 7-13. Applicants respectfully disagree.

Golden is directed to retinal vasculature image acquisition apparatus that acquires an image of the retinal vasculature of the animal of interest, then digitizes the image if the image is not a digital image, analyzes the image and stores the image.

Marshall is directed to a method for generating a unique consistent signal pattern for identifying an individual that includes the analysis of data representing a bit mapped image of an area of an individual's retinal that includes the optic disk where the data for each pixel of

the image represents the intensity of the pixel. The method locates the optic disk in the image and generates a unique and consistent signal pattern for identifying an individual from pixel data having a predetermined relationship to the individual's optic disk. The generated signal pattern is then used to verify the identity of the individual.

It is submitted that the combination of Golden and Marshall fail to teach or suggest all the features of the claimed invention. Specifically, the cited references fail to teach or suggest <u>creating new images that are stored for purposes of comparison at a later time.</u> In addition, it should be noted that both the cited references target identifying an animal or an individual by means of evaluating and comparing images of its retina. In other words, the method, disclosed in the cited references, finds the image retina in a database of various retinas. In contrast to the teachings of the cited references, the claimed invention provides a method to find images that constitute the same or a similar pathology but taken from pre-stored archives or images of one and the same patient that was recorded earlier. The claimed invention can also generate new images which are then stored for later comparison.

It should also be noted that a feature vector that is suited for identifying an individual will usually not perform as a descriptor for classifying pathologies observed in different patients. For instance, Golden discloses a "signature" that is used, however, the signature disclosed in Golden is a unique description of the individual's optic disc. This signature is relatively stable over time, thus, relatively insensitive to the occurrence and progress of pathologies. Thus, the identifying of the individual is possible even if no pathologies are present. And retinal images that constitute the same pathology met in different patients may have different "signatures" of the optic disc. In other words, Golden does not provide a dynamic description of the individual's retina. Thus, it is submitted that neither Golden nor Marshall teach or suggest <u>creating new images that are stored for purposes of comparison at a later time.</u> The cited references merely use stored data for comparison. In view of the

amendments to claims 7 and 11, it is respectfully submitted that the cited references fail to teach or suggest all the features of the claimed invention. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 7 and 11 under 35 U.S.C. 103(a).

Claims 8-10, 12, and 13 are dependent upon claims 7 and 11. It is submitted that claims 8-10, 12, and 13 recite patentable subject matter for at least the reasons mentioned above. Accordingly, Applicants request the withdrawal of the rejection of claims 8-10, 12, and 13 under 35 U.S.C. 103(a).

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,
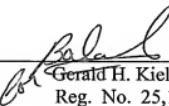
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